

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov

DOCKET**08-AFC-2**

DATE OCT 23 2009

RECD. OCT 26 2009



October 23, 2009

TO: AGENCY DISTRIBUTION LIST

REQUEST FOR AGENCY COMMENTS ON THE FINAL STAFF ASSESSMENT FOR THE PROPOSED BEACON SOLAR ENERGY PROJECT (08-AFC-2)

This notice is to inform you of the availability of the Final Staff Assessment (FSA) for the Beacon Solar Energy Project (BSEP) Application for Certification (08-AFC-2). The FSA was published on October 22, 2009. The FSA contains the California Energy Commission staff's final engineering, public health, and environmental evaluation of the proposed BSEP.

The FSA will serve as staff's testimony during evidentiary hearings. The Energy Commission Committee assigned to the BSEP proceedings will consider and weigh the testimony or comments or recommendations of all interested parties, including Energy Commission staff, the applicant, intervenors, public, and other local, state, and federal agencies, before issuing the Presiding Member's Proposed Decision (PMPD) for consideration by the full Energy Commission. The public, intervenors, local, state and federal agencies are encouraged to participate in these hearings. The Energy Commission will issue notices at least ten days prior to any scheduled hearings.

Energy Commission Licensing Authority

The Energy Commission is responsible for reviewing and ultimately approving or denying all applications for construction and operation of thermal electric power plants, 50 MW and greater, proposed for construction in California. The Energy Commission's facility certification process carefully examines public health and safety, environmental impacts and engineering aspects of proposed power plants, and all related facilities such as electric transmission lines and natural gas and water pipelines. The Energy Commission is the lead agency under the California Environmental Quality Act (CEQA), and because the regulatory program has been certified by the Natural Resources Agency pursuant to Public Resources Code section 21080.5, produces several environmental and decision documents rather than an Environmental Impact Report.

Summary of the California Energy Commission Staff's Conclusions

The California Energy Commission staff concludes that the proposed 250-megawatt Beacon Solar Energy Project (BSEP) in Eastern Kern County can be permitted and constructed in a manner that would allow it to comply with environmental laws and state policies – with the adoption of staff's recommended mitigation measures and the BSEP's incorporation of one of several feasible, project alternatives.

Additionally, if the Commission agrees with staff's conclusions about the project's potentially immitigable impacts to visual resources then the project will require an "override" by the Commission, in order to comply with environmental laws. In the FSA, staff has identified an adverse significant impact to visual resources with no feasible

mitigation. Staff also identified specific benefits of the project that could support a statement of overriding considerations by the Commission and potential approval.

AGENCY PARTICIPATION

The California Energy Commission encourages public agency participation in the review of the BSEP Application for Certification and staff's FSA. We request that you review the enclosed FSA for the areas for which your agency would normally be responsible except for the Energy Commission's in lieu permitting authority. Written comments on the FSA should be provided to Eric Solorio, Siting Project Manager, **no later than 5:00 p.m., November 22, 2009** at the address on this letterhead or by email to esolorio@energy.state.ca.us. Technical or project schedule questions should also be directed to Eric Solorio at (916) 651-0966 or by email.

Date: 10/23/09

Sincerely,



EILEEN ALLEN, Office Manager
Siting, Transmission and Environmental
Protection Division

Enclosure

Mailed to lists:
7287 - Agency



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
For the *BEACON SOLAR ENERGY
PROJECT***

Docket No. 08-AFC-2

**PROOF OF SERVICE
(Revised 4/28/09)**

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DECLARATION OF SERVICE

I, Maria Santourdjian, declare that on October 26, 2009, I served and filed copies of the attached Beacon Solar Energy Project (08-AFC-2) Request for Agency Comments on the Final Staff Assessment. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[www.energy.ca.gov/sitingcases/beacon]. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

 x sent electronically to all email addresses on the Proof of Service list;

 x by personal delivery or by depositing in the United States mail at Sacramento with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

 x sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (***preferred method***);

OR

 depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. _____

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.

Maria Santourdjian